

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health

Rule No. 580-9-44-.09

Rule Title: Incident Reporting

         New          Amend          X Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?          YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?          NO

Is there another, less restrictive method of regulation available that could adequately protect the public?          NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?          NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?          NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?          YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?          NO

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Does the proposed rule have an economic impact?          NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer         Debbie Popwell        

Date         12/18/19        

REC'D & FILED  
DEC 18 2019  
LEGISLATIVE SVC AGENCY  
(DATE FILED)  
(STAMP)

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-9-44-.09 Incident Reporting

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION: We have created Chapter 580-2-20-.06 to eventually combine the current rules for Mental Illness in Chapter 580-2-9 and Substance Abuse in Chapter 580-9-44.

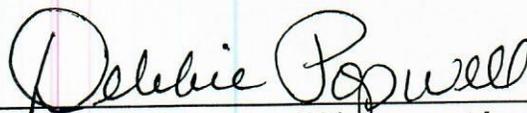
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person between the hours of 8:00AM and 5:00PM, Monday through Friday, or by electronic means to [Debbie.popwell@mh.alabama.gov](mailto:Debbie.popwell@mh.alabama.gov) until and including February 5, 2020. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334) 353-2069 during this period to arrange for an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
February 5, 2020

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposal may contact  
Debbie Popwell  
Department of Mental Health  
100 North Union Street, Suite 540  
Montgomery, Alabama 36130  
(334) 353-2069

A copy of the proposed change is available on the department's website at <http://mh.alabama.gov>. Click on Provider Portal and then Certification to find code with changes.



(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**History:** New Rule: Filed January 26, 2012; effective March 1, 2012. **Repealed:** Filed October 16, 2018; effective November 30, 2018.

**REPEALED**

~~580-9-44-.09 — Incident Reporting. — The entity shall develop, maintain, and document compliance with written policies and procedures to promptly address the occurrence of any incident and/or critical incident that has the potential to adversely impact the health, safety, and well being of any client at any location in which the entity provides services.~~

~~(1) — A formal process shall be established to govern the entity's response to the following events, at a minimum, in the course of service delivery:~~

~~(a) — Actual or perceived abuse, including but not limited to:~~

~~1. — Physical abuse.~~

~~2. — Sexual abuse.~~

~~3. — Neglect.~~

~~4. — Exploitation.~~

~~5. — Mistreatment.~~

~~6. — Verbal abuse.~~

~~(b) — Major client injury.~~

~~(c) — Confidentiality or privacy breach.~~

~~(d) — Death.~~

~~(e) — Client elopement.~~

~~(f) — Unplanned relocation of clients.~~

~~(g) — Legal/criminal activity.~~

~~(h) — Media events~~

~~(i) — Medication errors.~~

~~(j) — Non consensual sexual contact.~~

~~(k) — Suicide attempt.~~

~~(l) — Hospitalization.~~

~~(m) — Seclusion.~~

~~(n) — Restraint.~~

~~(o) — Any other events that adversely affect, or has the potential to be harmful or hazardous to the health, safety, or well being of a client, and does not fall into one of the categories listed above.~~

~~(2) — Policies and procedures governing the entity's response to the occurrence of an incident and/or critical incident shall include, at a minimum:~~

~~(a) — Staff responsibilities relative to reporting incidents and/or critical incidents.~~

~~(b) — The process used to document the occurrence of incidents and/or critical incidents.~~

~~(c) — Timeframes for initial and subsequent response by the entity's executive and clinical leadership staff to the occurrence of incidents and/or critical incidents and to the need, as appropriate, to ensure the safety of the parties involved.~~

~~(d) — The process used to investigate the circumstances surrounding an incident and/or critical incident and to take appropriate action to bring resolution to the event.~~

~~(e) — Timely and appropriate review of incident and/or critical incident reports by the organization's governing body, along with, its executive and clinical leadership staff.~~

~~(f) — Incorporation of incident and/or critical incident report data into the entity's performance improvement processes.~~

~~(g) — A process to ensure the timely reporting of incidents and/or critical incidents as required by law, to DMH as according to the Mental Illness and Substance Abuse Services Division Incident/Critical Incident Reporting Procedures incorporated herein by reference, and to families or others as according to the circumstances of the incident.~~

~~(3) — The entity shall comply with the published incident reporting requirements of DMH.~~

Author: Substance Abuse Services Division

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: **New Rule:** Filed January 26, 2012; effective  
March 1, 2012. **Repealed:** Filed December 18, 2019.